

which is available to all railroad personnel and other persons who are responsible for the application of any portion of the program. The program should include:

(a) Clearly defined roles and responsibilities of all persons who are designated or authorized to make determinations regarding the integrity of the track owner's bridges. The designations may be made by position or by individual;

(b) Provisions for a complete inventory of bridges that carry the owner's track, to include the following information on each bridge:

- (1) A unique identifier, such as milepost location and a subdivision code;
- (2) The location of the bridge by nearest town or station, and geographic coordinates;
- (3) The name of the geographic features crossed by the bridge;
- (4) The number of tracks on the bridge;
- (5) The number of spans in the bridge;
- (6) The lengths of the spans;
- (7) Types of construction of:
 - (i) Substructure;
 - (ii) Superstructure; and
 - (iii) Deck;
- (8) Overall length of the bridge;
- (9) Dates of:
 - (i) Construction;
 - (ii) Major renovation; and
 - (iii) Strengthening; and
- (10) Identification of entities responsible for maintenance of the bridge or its different components.

(c) Known capacity of its bridges as determined by rating by competent railroad bridge engineer or by design documents;

(d) Procedures for the control of movement of high, wide or heavy loads exceeding the nominal capacity of bridges;

(e) Instructions for the maintenance of permanent records of design, construction, modification, and repair;

(f) Railroad-specific procedures and standards for design and rating of bridges;

(g) Detailed bridge inspection policy, including:

- (1) Inspector qualifications; including:
 - (i) Bridge experience or appropriate educational training;
 - (ii) Training on bridge inspection procedures; and
 - (iii) Training on Railroad Workplace Safety; and
- (2) Type and frequency of inspection; including:

- (i) Periodic (at least annually);
- (ii) Underwater;
- (iii) Special;
- (iv) Seismic; and
- (v) Cursory inspections of overhead bridges that are not the responsibility of the railroad;

- (3) Inspection schedule for each bridge;
- (4) Documentation of inspections; including:

- (i) Date;
- (ii) Name of inspector;
- (iii) Reporting Format; and
- (iv) Coherence of information;
- (5) Inspection Report Review Process;
- (6) Record retention; and
- (7) Tracking of critical deficiencies to resolution; and

(h) Provide for the protection of train operations following an inspection, noting a critical deficiency, repair, modification or adverse event and should include:

(1) A listing of qualifications of personnel permitted to authorize train operations following an adverse event; and

(2) Detailed internal program audit procedures to ensure compliance with the provisions of the program.

APPENDIX B TO PART 237—SCHEDULE OF CIVIL PENALTIES¹

Section ²		Violation	Willful violation
Subpart B—Railroad Bridge Safety Assurance			
237.31	Adoption of bridge management program	\$9,500	\$17,000
237.33	Content of bridge management program:		
	(a) Inventory of railroad bridges	2,500	5,000
	(b) Record of safe load capacity	5,500	10,000
	(c) Provision to obtain and maintain:		
	(i) Design documents	5,500	10,000
	(ii) Documentation of repairs and modifications	2,500	5,000
	(iii) Inspection reports	2,500	5,000
	(d) Bridge inspection program content	2,500	5,000
Subpart C—Qualification and Designation of Responsible Persons			
237.51	Railroad bridge engineers:		
	(a) Competency	5,500	10,000
	(b) Educational qualification	2,500	5,000
237.53	Railroad bridge inspectors	5,500	10,000
237.55	Railroad bridge supervisors	5,500	10,000
237.57	Designation of individuals	2,500	5,000

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Section ²		Violation	Willful violation
Subpart D—Capacity of Bridges			
237.71	Determination of bridge load capacities:		
	(a) Safe load capacity	5,500	10,000
	(b) Load capacity documented	5,500	10,000
	(c) Load capacity determined by a railroad bridge engineer	5,500	10,000
	(d) Method of load capacity determination	2,500	5,000
	(e) Prioritization of load capacity determination	2,500	5,000
	(f) New load capacity determined due to change in condition	2,500	5,000
	(g) Load capacity stated in terms of weight and length of equipment	2,500	5,000
	(h) Restriction on operations by railroad bridge engineer	5,500	10,000
237.73	Protection of bridges from over-weight and over-dimension equipment:		
	(a) Instructions issued	5,500	10,000
	(b) Weight instructions	2,500	5,000
	(c) Dimensional instructions	2,500	5,000
	(d) Incorrect instructions issued	2,500	5,000
Subpart E—Bridge Inspection			
237.101	Scheduling of bridge inspections:		
	(a) Scheduling:		
	(i) Failure to inspect	9,500	17,000
	(ii) Inspection within calendar year	2,500	5,000
	(iii) Inspection frequency exceeding 540 days	2,500	5,000
	(b) Increased inspection frequency	5,500	10,000
	(c) Special inspections	2,500	5,000
	(d) Resumption of railroad operations prior to inspection & review	9,500	17,000
237.103	Bridge inspection procedures	2,500	5,000
237.105	Special inspections:		
	(a) Procedures to protect train operations and requiring special inspections	2,500	5,000
	(b) Provision for the detection of scour or underwater deterioration	2,500	5,000
237.107	Conduct of bridge inspections	5,500	10,000
237.109	Bridge inspection records:		
	(a) Record of inspection	2,500	5,000
	(b) Inspection record:		
	(i) Certification and date	2,500	5,000
	(ii) Falsification		17,000
	(c) Inspection record information	2,500	5,000
	(d) Initial report within 30 days	2,500	5,000
	(e) Final inspection report within 120 calendar days	2,500	5,000
	(f) Retention	2,500	5,000
	(g) Prompt reporting of dangerous conditions	5,500	10,000
237.111	Review of bridge inspection reports.		
	(a) Review by railroad bridge engineers and supervisors	2,500	5,000
	(b) Appropriate action concerning present or potential safety hazards	5,500	10,000
	(c) Modification of inspection frequency or procedures	2,500	5,000
	(d) Scheduling remedial action	2,500	5,000
	(e) Higher-level review	2,500	5,000
Subpart F—Repair and Modification of Bridges			
237.131	Design	5,500	10,000
237.133	Supervision of repairs and modifications	5,500	10,000
Subpart G—Documentation, Records and Audits of Bridge Management Programs			
237.151	Audits; general	2,500	5,000
237.153	Audits of inspections	2,500	5,000
237.155	Documents and records:		
	(a) Electronic recordkeeping, general	2,500	5,000
	(b) System security	2,500	5,000

¹A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a penalty of up to \$105,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

²The penalty schedule uses section numbers from 49 CFR part 237. If more than one item is listed as a type of violation of a given section, each item is also designated by a "penalty code," which is used to facilitate assessment of civil penalties, and which may or may not correspond to any subsection designation(s). For convenience, penalty citations will cite the CFR section and the penalty code, if any. FRA reserves the right, should litigation become necessary, to substitute in its complaint the CFR citation in place of the combined CFR and penalty code citation, should they differ.

[75 FR 41302, July 15, 2010, as amended at 77 FR 24422, Apr. 24, 2012]

PART 238—PASSENGER EQUIPMENT SAFETY STANDARDS

Subpart A—General

Sec.

- 238.1 Purpose and scope.
- 238.3 Applicability.
- 238.5 Definitions.
- 238.7 Waivers.
- 238.9 Responsibility for compliance.
- 238.11 Penalties.
- 238.13 Preemptive effect.
- 238.15 Movement of passenger equipment with power brake defects.
- 238.17 Movement of passenger equipment with other than power brake defects.
- 238.19 Reporting and tracking of repairs to defective passenger equipment.
- 238.21 Special approval procedure.
- 238.23 Information collection.

Subpart B—Safety Planning and General Requirements

- 238.101 Scope.
- 238.103 Fire safety.
- 238.105 Train electronic hardware and software safety.
- 238.107 Inspection, testing, and maintenance plan.
- 238.109 Training, qualification, and designation program.
- 238.111 Pre-revenue service acceptance testing plan.
- 238.113 Emergency window exits.
- 238.114 Rescue access windows.
- 238.115 Emergency lighting.
- 238.117 Protection against personal injury.
- 238.119 Rim-stamped straight-plate wheels.
- 238.121 Emergency communication.
- 238.123 Emergency roof access.

FIGURE 1 TO SUBPART B OF PART 238—EXAMPLE OF LOCATION AND STAGGERING OF EMERGENCY WINDOW EXITS—§ 238.113

FIGURE 1A TO SUBPART B OF PART 238—EXAMPLE OF LOCATION OF RESCUE ACCESS WINDOWS—§ 238.114

FIGURE 1B TO SUBPART B OF PART 238—EXAMPLE OF LOCATION AND STAGGERING OF EMERGENCY WINDOW EXITS AND LOCATION OF RESCUE ACCESS WINDOWS—§§ 238.113 AND 238.114

FIGURE 1C TO SUBPART B OF PART 238—EXAMPLE OF A PASSENGER COMPARTMENT INCLUDING A VESTIBULE CONNECTED BY AN OPEN PASSAGEWAY AND EXCLUDING A VESTIBULE SEPARATED BY AN INTERIOR DOOR—§§ 238.113 AND 238.114

FIGURE 2 TO SUBPART B OF PART 238—EXAMPLE OF A MULTI-LEVEL CAR COMPLYING WITH WINDOW LOCATION AND STAGGERING REQUIREMENTS—§§ 238.113 AND 238.114

FIGURE 2A TO SUBPART B OF PART 238—EXAMPLE OF AN INTERMEDIATE LEVEL SEATING AREA OF A MULTI-LEVEL CAR COMPLYING WITH WINDOW LOCATION REQUIREMENTS—§§ 238.113 AND 238.114

FIGURE 2B TO SUBPART B OF PART 238—EXAMPLE OF AN INTERMEDIATE LEVEL SEATING AREA OF A MULTI-LEVEL CAR COMPLYING WITH WINDOW LOCATION REQUIREMENTS—§§ 238.113 AND 238.114

FIGURE 3 TO SUBPART B OF PART 238—EXAMPLE OF LOCATION AND MARKING OF STRUCTURAL WEAK POINTS ON ROOF OF PASSENGER CAR—§ 238.123

Subpart C—Specific Requirements for Tier I Passenger Equipment

- 238.201 Scope/alternative compliance.
- 238.203 Static end strength.
- 238.205 Anti-climbing mechanism.
- 238.207 Link between coupling mechanism and car body.
- 238.209 Forward-facing end structure of locomotives.
- 238.211 Collision posts.
- 238.213 Corner posts.
- 238.215 Rollover strength.
- 238.217 Side structure.
- 238.219 Truck-to-car-body attachment.
- 238.221 Glazing.
- 238.223 Locomotive fuel tanks.
- 238.225 Electrical system.
- 238.227 Suspension system.
- 238.229 Safety appliances—general.
- 238.230 Safety appliances—new equipment.
- 238.231 Brake system.
- 238.233 Interior fittings and surfaces.
- 238.235 Doors.
- 238.237 Automated monitoring.

FIGURE 1 TO SUBPART C OF PART 238

Subpart D—Inspection, Testing, and Maintenance Requirements for Tier I Passenger Equipment

- 238.301 Scope.
- 238.303 Exterior calendar day mechanical inspection of passenger equipment.
- 238.305 Interior calendar day mechanical inspection of passenger cars.
- 238.307 Periodic mechanical inspection of passenger cars and unpowered vehicles used in passenger trains.
- 238.309 Periodic brake equipment maintenance.
- 238.311 Single car test.
- 238.313 Class I brake test.
- 238.315 Class IA brake test.
- 238.317 Class II brake test.
- 238.319 Running brake test.
- 238.321 Out-of-service credit.

Subpart E—Specific Requirements for Tier II Passenger Equipment

- 238.401 Scope.